

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
GROUP ART UNIT: 3691 EXAMINER: KAZIMI, HANI M**

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In Re: Gregg Freishtat et al.
Case: P3985
Serial No.: 09/842,241
Filed: April 24, 2001
10 Subject: System and Method for Syndicated Transactions

Commissioner for Patents
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Dear Sirs:

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APPEAL BRIEF

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1.0**Real Party in Interest**

All inventions in the disclosure in the present case are assigned to or assignable to:

5 Yodlee.com

2.0 Related Appeals and Interferences

There are no related appeals and interferences.

3.0**Status of the Claims**

Following is the status of the claim in the instant case:

- 1-40. Cancelled
- 5 41. Rejected, independent - appealed in this brief
- 42. Rejected, dependent - appealed in this brief
- 43. Rejected, dependent - appealed in this brief
- 44. Rejected, dependent - appealed in this brief
- 45. Rejected, independent - appealed in this brief
- 10 46. Rejected, dependent - appealed in this brief
- 47. Rejected, dependent - appealed in this brief
- 48. Rejected, dependent - appealed in this brief
- 49-58. Cancelled
- 59. Rejected, independent - appealed in this brief
- 15 60. Rejected, dependent - appealed in this brief
- 61. Rejected, dependent - appealed in this brief
- 62. Rejected, dependent - appealed in this brief
- 63. Rejected, dependent - appealed in this brief
- 64. Rejected, dependent - appealed in this brief
- 20 65. Rejected, dependent - appealed in this brief
- 66. Rejected, dependent - appealed in this brief
- 67. Rejected, dependent - appealed in this brief

4.0**Status of Amendments**

No amendments have been filed subsequent to filing a Notice of Appeal.

5.0**Summary of the Claimed Subject Matter****5.1 Independent claim 41**

41. (Previously presented) A second Web server hosted by a second enterprise {Fig. 2,

5 **260; pg. 19, ll. 5-6}, comprising:**

- a first mechanism receiving a request for information or services from a customer;
- a second mechanism determining whether the request comes directly from the customer, or through a first Web server at a first enterprise {pg. 34, ll. 1-12}; and
- a third mechanism responding to the customer by the second enterprise with the information or provided service to the request, the information or service including only a single identification for the second Web server or for the first Web server {pg. 43, ll. 11-21};

wherein, if the request is determined to originate directly from the customer, the information response or service provided by the second enterprise is identified to the customer as only from the second enterprise, and if the request comes to the second enterprise through the first Web server at the first enterprise, the information response or service provided by the second enterprise is identified to the customer as only from the first enterprise {pg. 43, ll. 11-21}.

20 *In summary, claim 41 provides a second Web server for providing information or services to a customer; the services identified as being provided by a single server, having a single identification. The second server determines whether a request for service originates directly from the customer or through a first Web server at a first enterprise, wherein, if the request is determined to originate directly from the customer, the information response or service provided by the second enterprise is identified to the customer as only from the second enterprise, and if the request comes to the second enterprise through the first Web server at the first enterprise, the information response or service provided is identified to the customer as only from the first enterprise.*

5.1 Dependent claims 42-48

Dependent claims 42-48 stand or fall with the independent claim.

5 5.2 Independent claim 59

59. (Previously presented) A method providing transaction services by a second Web server at a second Web-site hosted by a second enterprise {Fig. 2, 260; pg. 19, ll. 5-6}, comprising the steps of:

- (a) receiving a request for information or services from a customer at the second Web-site;
- (b) determining whether the request comes directly from the customer, or through a first Web server at a first enterprise {pg. 34, ll. 1-12}; and
- (c) providing information or a service to the customer by the second Web-server based upon the request from the customer, the information or service including only a single identification for the second Web site or for the first Web server, the information or service identified to the customer as from only the second Web-site if it is determined that the request is directly from the customer, and identifying the information or service to the customer as only from the first enterprise if it is determined that the request is from the customer communicating through the first Web-server {pg. 43, ll. 11-21}.

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In summary, claim 59 provides a method for providing transaction services by a second Web server at a second Web site hosted by a second enterprise including steps for receiving a request for information or services from a customer at the second Web-site; determining whether the request comes directly from the customer, or through a first Web server at a first enterprise; and providing information or a service to the customer by the second Web-server based upon the request from the customer, the information or service including only a single identification for the second Web site or for the first Web server, the information or service identified to the customer as from only the second Web-site if it is determined that the request is directly from the customer, and identifying the

information or service to the customer as only from the first enterprise if it is determined that the request is from the customer communicating through the first Web-server.

5.3 Dependent claims 60-67

- 5 Dependent claims 60-67 stand or fall with the independent claim.

The following grounds are founded in the Office Action mailed 10/29/2010.

- 6.1** Whether the Examiner presented a valid rejection under 35 U.S.C. 103(a) for
5 claims 41 and 59 as being unpatentable over Bezos et al. (hereinafter Bezos) U.S. Patent
6,029,141 in view of Vittal et al. (hereinafter Vittal) U.S. Patent 6,907,401
2001/0014881.

7.0**Argument**

Regarding claim 41 of the rejection indicated in **6.1** the main point of contention between appellant and the Examiner is the Examiner's error when omitting words from appellant's claim limitations thereby not considering or interpreting appellant's claim

- 5 limitations reasonably, as required in the examination process. Appellant clearly claims a single identification is presented as *only* from the associate website or the merchant web site based upon whether the request comes directly from the customer, or through a first Web server at a first enterprise. Appellant clearly claims and argues this point in the last Response filed. The Examiner responds to appellant's argument stating:

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Appellant argues that Bezos fails to teach identification from both the associate website and the merchant web site. Without going into the merit of Appellant's statement, Examiner notes that the claim language does not teach (single) identification from both associate website and merchant website. Rather the claim language is in the alternative (i.e., single identification for associate website or merchant website). Given the broadest reasonable interpretation of the claim limitation, the claim does not require that the identification of merchant website be the same as the associate website. Rather each website has a single (unique) identification which may be different.

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Appellant points out that the claim 41 does not claim, nor did appellant argue, "*Bezos fails to teach identification from both the associate website and the merchant web site*". At this point, appellant is concerned that the Examiner is simply not understanding appellant's limitation.

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In the current rejection of this limitation in the Office Action issued 10/29/2010, the Examiner states Bezos teaches:

and a third mechanism responding to the customer by the second enterprise with information or provided service to the request, the information or service is identified to the customer as coming from either the first enterprise or the second enterprise; (column

14, lines 1-51 and column 15, lines 51-60). Bezos teaches that if the request comes directly from the customer, the information or response is identified as from the second enterprise (Amazon) (column 14, lines 21-37; Examiner notes that the customer can select a product directly from the merchant web site (Amazon) and if so, the store for the 5 associate web site is left blank. Therefore, it as if the customer accessed Amazon directly). Even if direct access of a web-site is not taught by Bezos, Vittal teaches directly accessing a merchant web-site over the internet without the use of a portal or using a portal (column 5, lines 18-38; Examiner notes that the customer directly accesses the merchant server). For this reason, Bezos in view of Vittal does teach the identification 10 teachings of claim 41. It would have been obvious to one of ordinary skill in the art at the time of the Appellant's invention to modify the teachings of Bezos to include the teachings of Vittal because Vittal shows directly accessing a merchant site over the internet as is commonly done on the Internet and identifying the site as such as being directly from the site as taught by Bezos (no extra identifier for the intermediary site).

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Appellant points out the error by the Examiner in rewording appellant's claim limitation during examination. Appellant clearly claims, "a third mechanism responding to the customer by the second enterprise with the information or provided service to the request, the information or service including only a single identification for the second 20 Web server or for the first Web server". Appellant believes this limitation is fairly understood by one with skill in the art as providing *only* one identification. The art of Bezos teaches both Amazon and the intermediary Web site identifications are displayed in the transaction. In appellant's invention, when the customer purchases from the first Web site, only the identification of the first Web site is provided in the transaction, even 25 thought the request is serviced by the second Web site; thereby allowing the entity actually performing the transaction to be transparent to the customer.

In said rejection the Examiner also errs by completely ignoring appellant's limitation including, "and if the request comes to the second enterprise through the first Web server at the first enterprise, the information response or service provided by the

second enterprise is identified to the customer as only from the first enterprise." Further, the Examiner fails to provide a valid paragraph showing motivation for combining the references. The Examiner states, "*It would have been obvious to one of ordinary skill in the art at the time of the Appellant's invention to modify the teachings of Bezos to include 5 the teachings of Vittal because Vittal shows directly accessing a merchant site over the internet as is commonly done on the Internet and identifying the site as such as being directly from the site as taught by Bezos (no extra identifier for the intermediary site).*" Appellant argues that there is no benefit in making the combination of the art, so one with skill in the art would not be motivated to combine. Further, the combination could not 10 render the invention, as claimed.

Appellant believes claim 41 is patentable over the art because the art fails to teach appellant's claim limitations and the Examiner has erred in the examination process.

Regarding method claim 59, the Examiner lumps the claim together in the rejection of claim 41. Claim 59 includes the same limitations argued on behalf of claim 15 41 and is patentable at least as argued on behalf of claim 41.

Appellant believes it has been fairly shown in this Appeal Brief that the Examiner has failed to prove a valid *prima facie* case of obviousness for appellant's independent claims 41 and 59. Claims 42-48 and 60-67 stand or fall with the independent claims.

8.0**Claims Appendix**

The claims involved in the appeal are:

41. A second Web server hosted by a second enterprise, comprising:

- 5 a first mechanism receiving a request for information or services from a customer;
- a second mechanism determining whether the request comes directly from the customer, or through a first Web server at a first enterprise; and
- 10 a third mechanism responding to the customer by the second enterprise with the information or provided service to the request, the information or service including only a single identification for the second Web server or for the first Web server;

wherein, if the request is determined to originate directly from the customer, the information response or service provided by the second enterprise is identified to the customer as only from the second enterprise, and if the request comes to the second enterprise through the first Web server at the first enterprise, the information response or

15 service provided by the second enterprise is identified to the customer as only from the first enterprise.

42. The second Web server of claim 41 further comprising a rules-based filter for interacting with communications from customers wherein the information or services

20 provided are filtered based on said determination.

43. The second Web server of claim 41 wherein the Web server provides personal information (PI) collection and aggregation services on behalf of the customers, and the information provided is at least partially derived from the aggregated PI.

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44. The second Web server of claim 41 wherein the second enterprise is an Internet portal enterprise.

45. The second Web server of claim 41 wherein the aggregated PI is collected from

financial institutions having money deposited for the customer in one or more accounts, and the services include enabling the customer to accomplish one or more of transferring money from one account to another, and transferring money from an account to settle an obligation to a third party.

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46. The second Web server of claim 45 wherein the transferring money to settle an obligation comprises paying a bill for either goods or services.

10 47. The second Web server of claim 41 wherein the first enterprise is a travel enterprise, and the services offered from the Web server to customers communicating from the second enterprise include one or more of enabling the customer to transact reservations for travel and redeeming mileage bonuses.

15 48. The second Web server of claim 41 wherein the specific services include one or more of (a) creating a new account, (b) authenticating the customer, (c) retrieving summary balance information, (d) retrieve detailed transactions, (e) initiating a funds transfer from one account to another, (f) get a list of eligible rewards, or (g) redeem mileage points.

20 59. A method providing transaction services by a second Web server at a second Web-site hosted by a second enterprise, comprising the steps of:

(a) receiving a request for information or services from a customer at the second Web-site;

(b) determining whether the request comes directly from the customer, or through a first Web server at a first enterprise; and

25 (c) providing information or a service to the customer by the second Web-server based upon the request from the customer, the information or service including only a single identification for the second Web site or for the first Web server, the information or service identified to the customer as from only the second Web-site if it is determined that the request is directly from the customer, and identifying the information or service

to the customer as only from the first enterprise if it is determined that the request is from the customer communicating through the first Web-server.

60. The method of claim 59 wherein a further step is provided for filtering the information or services provided by a rules-based filter based on said determination.

5 61. The method of claim 59 wherein the second Web-site provides personal information (PI) collection and aggregation services on behalf of the customers, and the information provided is at least partially derived from the aggregated PI.

10 62. The method of claim 59 wherein the first enterprise is one of a financial enterprise, a travel enterprise, or a security services enterprise.

15 63. The method of claim 61 wherein the aggregated PI is collected from financial institutions having money deposited for the customer in one or more accounts, and the services include enabling the customer to accomplish one or more of transferring money from one account to another, and transferring money from an account to settle an obligation to a third party.

20 64. The method of claim 63 wherein the transferring money to settle an obligation comprises paying a bill for either goods or services.

25 65. The method of claim 59 wherein the first enterprise is a travel enterprise, and the services offered from the Web server to customers communicating from the first enterprise include one or more of enabling the customer to transact reservations for travel and redeeming mileage bonuses.

66. The method of claim 59 wherein the specific services include one or more of creating a new account, authenticating the customer, retrieving summary balance information,

retrieve detailed transactions, initiating a funds transfer from one account to another, get a list of eligible rewards, or redeem mileage points.

67. The method of claim 59 wherein the second enterprise is an Internet portal enterprise.

9.0**Evidence Appendix**

- 1) Final rejection mailed **10/29/2010** is the Office Action setting out the rejection on appeal.
- 5 2) Khan (US Patent 6,546,393)
- 3) Inala et al (US Patent 6,199,077)
- 4) Jameson (US PGPub 2001047397, non-provisional of provisional 60/183670)

10.0**Related Proceedings Appendix**

There are no related proceedings in the present application.

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Respectfully Submitted,
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